

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**CHRISTOPHER S. STRECKENBACH,**

Plaintiff,

**-vs-**

**USDC Case No. 15-CV-451**

**USCA Case No. 16-1695**

**CHARLES VAN DENSEN, et al.,**

Defendants.

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**ORDER**

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On March 21, 2016, the Court entered an order granting the defendants' motion for summary judgment and dismissing this action. The plaintiff appealed and requested leave to proceed *in forma pauperis* on appeal. The Court granted the plaintiff's request on April 29, 2016, and ordered that he pay an initial partial filing fee of \$21.94, which the plaintiff states that he has paid (the Court has not yet received the plaintiff's payment, but this is likely due to administrative processing at the plaintiff's institution). This matter is before the Court on the plaintiff's motion requesting that the remainder of the filing fee for the plaintiff's appeal be deducted from his release account. (ECF No. 64.)

The Prison Litigation Reform Act (PLRA) requires the Court to collect filing fees from a "prisoner's account." 28 U.S.C. § 1915(b). The

term “prisoner’s account” encompasses both a prisoner’s release and general accounts. *Spence v. McCaughtry*, 46 F. Supp. 2d 861, 862 (E.D. Wis. 1999). However, “given the purpose of the release account to provide funds to the prisoner upon his or her release from incarceration, the Court does not deem it prudent to routinely focus on the release account as the initial source of funds to satisfy the filing fee payment requirements of the PLRA.” *Smith v. Huibregtse*, 151 F. Supp. 2d 1040 (E.D. Wis. 2001). Nevertheless, upon request, the Court may allow a plaintiff to pay a filing fee, or a portion thereof, out of his release account. *Doty v. Doyle*, 182 F. Supp. 2d 750, 752 (E.D. Wis. 2002).

The plaintiff has expressed a desire to have the remainder of the filing fee for his appeal (\$483.06) deducted from his release account, and he has stated that he has sufficient funds in his release account for that purpose. Accordingly, the Court grants the plaintiff’s motion.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED** that the plaintiff’s motion to pay the balance of the filing fee for his appeal (\$483.06) from his release account (ECF No. 64) is **GRANTED**.

**IT IS ALSO ORDERED** that the warden at Redgranite Correctional Institution shall withdraw \$483.06 from the plaintiff’s

release account and forward that sum to the Clerk of this Court as payment for balance of the filing fee for the plaintiff's appeal. Such payment is to be made by **June 21, 2016**.

**IT IS FURTHER ORDERED** that a copy of this order be sent to the warden of Redgranite Correctional Institution.

Dated at Milwaukee, Wisconsin, this 17th day of May, 2016.

**BY THE COURT:**

  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**